

I certify that the attached is a true and correct copy of HB 1105, which was filed of record on 2.23.93

and referred to the committee on:

Public Safety

Betty Ramsey

Chief Clerk of the House

93 MAR -2 AM 9:118  
HOUSE OF REPRESENTATIVES

W. Keith O'Leary  
By

FILED FEB 23 1993

H.B. No. 1105

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting employment discrimination against certain peace officers for refusing to take a polygraph examination.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) In this Act, "peace officer" means a person who is elected, appointed, or employed by a governmental entity and who is a peace officer under Article 2.12, Code of Criminal Procedure, or other law.

(b) A peace officer may not be suspended, discharged, or subjected to any other form of employment discrimination because the person refuses to take a polygraph examination.

SECTION 2. This Act does not apply to a peace officer:

(1) to whom Section 411.007, Government Code, applies;  
or

(2) who has been ordered to take a polygraph examination under Section 143.124, Local Government Code.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

# HOUSE COMMITTEE REPORT

1<sup>st</sup> Printing

93 APR -7 PM 11:22

HOUSE OF REPRESENTATIVES

By Oakley

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COMMITTEE REPORT

The Honorable Pete Laney  
Speaker of the House of Representatives

APRIL 7, 1993  
(date)

Sir:

We, your COMMITTEE ON PUBLIC SAFETY  
to whom was referred HB 1105 have had the same under consideration and beg to report  
(measure)

back with the recommendation that it

(☒) do pass, without amendment.  
( ) do pass, with amendment(s).  
( ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (☒) yes ( ) no An author's fiscal statement was requested. ( ) yes (☒) no

A criminal justice policy impact statement was requested. ( ) yes (☒) no

An equalized educational funding impact statement was requested. ( ) yes (☒) no

An actuarial impact statement was requested. ( ) yes (☒) no

A water development policy impact statement was requested. ( ) yes (☒) no

( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

House Sponsor of Senate Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Oakley, Ch.	<input checked="" type="checkbox"/>			
Bailey, V.C.	<input checked="" type="checkbox"/>			
Allen				<input checked="" type="checkbox"/>
Carter	<input checked="" type="checkbox"/>			
Gavazos				
Edwards				<input checked="" type="checkbox"/>
Krusee	<input checked="" type="checkbox"/>			
Price				<input checked="" type="checkbox"/>
Rodriguez	<input checked="" type="checkbox"/>			
Smith, A.				<input checked="" type="checkbox"/>
Yost	<input checked="" type="checkbox"/>			

Total

6 aye  
0 nay  
0 present, not voting  
4 absent

W. Keith Oakley  
CHAIRMAN

## **BILL ANALYSIS**

by OAKLEY

HB 1105

### **BACKGROUND**

Currently, some police agencies require a polygraph examination to be administered to their police officers, while still other police agencies are exempted from this practice. In other words, a double standard exists.

### **PURPOSE**

HB 1105 will eliminate this double standard.

### **SECTION BY SECTION ANALYSIS**

#### **SECTION 1.**

Provides that a peace officer may not be suspended, discharged, or subject to any form of employment discrimination because the officer refuses to take a polygraph examination.

#### **SECTION 2.**

This section makes exceptions to the Houston and Department of Public Safety Officers as they are provided for by their own statutes.

#### **SECTION 3. Emergency Clause.**

### **RULEMAKING AUTHORITY**

It is the opinion of the committee that this bill does not delegate any rulemaking authority to a state agency, officer, department, or institution.

### **SUMMARY OF COMMITTEE ACTION**

HB 1105 was considered in a public hearing on April 1, 1993. Testifying for the bill were Jim Lyde, Texas Municipal Police Association; and Collin Armistead, Texas Municipal Police Association. Testifying against the bill were Bobby Jones, Texas Association of Polygraph Examiners; Jack Bremer, Sheriff's Association of Texas; Mark Krey, Fort Worth Police Department; and Ken Walker, Texas Police Chief's Association. Testifying on the bill was Ernie Hulsey, Texas Polygraph Examiners Board. HB 1105 was left as pending business. The committee met in a public hearing on April 7, 1993. No one testified on, for, or against the bill. A motion to report HB 1105 without amendments carried with a vote of 6 Ayes, 0 Nays, 0 PNV, and 4 Absent.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**  
**73rd Regular Session**

March 8, 1993

TO: Honorable Keith Oakley, Chair  
Committee on Public Safety  
House of Representatives  
Austin, Texas

IN RE: House Bill No. 1105  
By: Oakley


FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1105 (relating to prohibiting employment discrimination against certain peace officers for refusing to take a polygraph examination) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JO, JWH, DF

H. B. No. 1105

By 

A BILL TO BE ENTITLED

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FEB 23 1993

1. Filed with the Chief Clerk.

FEB 25 1993

2. Read first time and Referred to Committee on

PUBLIC SAFETY

APR 7 1993

3. Reported favorably <sup>(as amended)</sup> ~~(as substituted)~~ and sent to Printer at 6:00 pm

APR 07 1993

4. Printed and distributed at 11:22 pm

APR 8 1993

5. Sent to Committee on Calendars at 10:19 AM

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of        yeas,        nays,        present, not voting).

7. Motion to reconsider and table the vote by which H.B.        was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of        yeas,        nays, and        present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of        yeas,        nays, and        present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of        yeas,        nays,        present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B.        was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of        yeas,        nays, and        present, not voting).

12. Ordered Engrossed at       

13. Engrossed.

14. Returned to Chief Clerk at       

15. Sent to Senate.

        
Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on       

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by         
(a viva voce vote.)  
(       yeas,        nays.)

\_\_\_\_\_ 22. To permit consideration, reading and passage, Senate and Constitutional Rules  
suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ 23. Read second time \_\_\_\_\_ passed to third reading by:  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 24. Caption ordered amended to conform to body of bill.

\_\_\_\_\_ 25. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

\_\_\_\_\_ 26. Read third time and passed by  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION: OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 27. Returned to the House.

\_\_\_\_\_ 28. Received from the Senate (with amendments,  
(as substituted.)

\_\_\_\_\_ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record  
(Substitute) Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

\_\_\_\_\_ 30. Conference Committee Ordered.

\_\_\_\_\_ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 32. Ordered Enrolled at \_\_\_\_\_

HOUSE OF REPRESENTATIVES  
93 APR - 7 PM 11:22